

## Livestock Facility Siting

### ***Local Government Authority***

Local governments are not required to issue siting permits for livestock facilities

The livestock facility siting law and rule only apply if a local government chooses to require a permit or license for the siting of new or expanding livestock operations.

What authority does a local government have to regulate the siting of new and expanding livestock facilities?

1) The siting law retains a local government's ability to plan and zone for livestock facilities. Zoning can be used to restrict the location of livestock facilities in:

- A non-agricultural zoning district.
- An agricultural zoning district where the livestock facility is prohibited. The livestock facility siting law limits exclusionary local zoning based solely on the livestock facility size. Any zoning prohibition must be clearly justified on the basis of public health or safety, plus another agricultural district must allow operations of all sizes.

2) Local governments that enact a siting ordinance can review construction designs and management plans for livestock facilities required to obtain approval. This includes initial approval of a permit and subsequent monitoring for compliance, including relevant enforcement actions

Under what circumstances can a local government deny approval of a permit application for a new or expanding livestock operation?

When local governments require approval to site or expand certain types of livestock facilities, approval must be based on the livestock facility siting law. In addition, the law establishes timeframes and procedures for making approval decisions and an appeals process. The law limits the reasons for which a local government may deny approval. Circumstances under which a local government may legally disapprove a permit for a proposed livestock facility include:

- Violating a valid local ordinance adopted under state laws related to shoreland zoning, floodplain zoning, construction site erosion control or stormwater management.
- Violating a building, electrical, or plumbing code that is consistent with the state building electrical or plumbing code for that type of facility.
- Violating state livestock facility siting standards (ATCP 51) enacted into a local ordinance.

For more information contact the livestock siting program manager at 608-224-4613